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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,466	10/09/2003	Pawan Chaturvedi	2374	9192
28005	7590	01/25/2008	EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/682,466	CHATURVEDI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TuanKhanh Phan	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 December 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3, 5 and 7-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3, 5 and 7-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/ are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Response to Amendment***

The amendment, filed 12/17/2007, has been entered and acknowledged by the Examiner. Cancellation of claims 4 and 6 has been entered. Claims 1-3, 5 and 7-15 are pending.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 9 and 12, applicant states that

in response to the cancellation message, (i) completing setup of the conference leg between the conference server and the terminating station and (ii) then sending a teardown message from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station. The completion of the setup can be only carried out if and only if the SIP 200 OK message has been received from the terminating station, not upon receiving the cancellation message. In a way, whether receiving a cancellation message or not from the originating station, the completion of setting up conference leg is carried out regardless. The claim languages, therefore, are not clear.

if the conference server has already received an agreement message from the terminating, station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises sending an acknowledgement message from the conference server to the terminating station. This limitation is a repetition of "completing setup of the conference leg between the conference server and the terminating station and (ii) then sending a teardown message from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station." According to applicant's disclosures, again, completing setup of the conference leg only can be completed if and only if OK message's received.

if the conference server has not yet received the agreement message from the terminating station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises (ii) sending the acknowledgement message from the conference server to the terminating station. While it discloses that completion of the setup can only be carried out upon receiving the SIP 200 OK message, it seems that the claim languages state otherwise.

In addition, the conference server would fail to complete the setting up conference leg if the conference server does not receive an OK message from the terminating station. Thus, completing the conference leg between the conference server and terminating station is not possible in this scenario.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, 5 and 7-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Casaccia (US Patent 7,158,625).

Regarding **claims 1, 9 and 12**, Casaccia teaches a method of canceling setup of a conference between originating station and terminating station (i.e. **terminating a call between first unit and another unit**, abstract; Figure 7, “108A” and “108B” ) via a conference server (i.e. proxy server is equivalent to the conference server, Figure 7, “704”) in a scenario where the conference server has received an invitation message from the originating unit for setting up a conference call with at least the terminating unit (i.e. **receiving then sending an initiating call message**, Col. 3, lines 1-6) and the conference server then receives a cancellation message from the first unit before setup of a conference leg between the conference server and the other unit is complete (i.e. **receiving termination message for canceling the call or ring-only call**, Col. 3, lines 20-25), the method comprising: in response to the cancellation message, (1) completing setup of the conference leg between the conference server and the terminating station and (i.e. **completing set up of conference leg between conference server and**

**terminating station is equivalent to connecting with terminating station and sending communication message back and forth. It is inherent that a conference leg has to be established and completed between the conference server and the terminating station to affect a communication;** Col. 3, lines 1-6), (2) sending a cancel signal from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station (i.e. **sending a termination message to terminate the call;** Col. 3, lines 5-15), wherein

if the conference server has already received an agreement message from the terminating, station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises sending an acknowledgement message from the conference server to the terminating station( i.e. **completing set up of conference leg between conference server and terminating station is equivalent to connecting with terminating station and sending communication message back and forth. It is inherent that a conference leg has to be established and completed between the conference server and the terminating station to affect a communication;** Col. 3, lines 1-6; Figure 7);

if the conference server has not yet received the agreement message from the terminating station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises (ii) sending the acknowledgement message from the conference server to the terminating station (**completing set up of conference leg between conference server and terminating station is equivalent to connecting with terminating station and**

**sending communication message back and forth. It is inherent that a conference leg has to be established and completed between the conference server and the terminating station to affect a communication;** Col. 3, lines 1-6).

Regarding **claim 2**, Casaccia teaches the communication server carries out the completing and sending functions (e.g. **a network server**; Figure 3, "104").

Regarding **claim 3**, Casaccia teaches that invitation message sent from originating station is a Session Initiation Protocol (SIP) INVITE message, the cancellation message is a SIP CANCEL message, and the teardown message is a SIP BYE message (i.e. **a SIP communication system**; Col. 4, lines 16-25). In addition, an embodiment of a Session Initiation Protocol (SIP) communication system or conference server standards conventionally comprise SIP INVITE message, SIP ACK message, SIP OK (i.e. SIP 200 OK) message, SIP CANCEL message, and SIP BYE message.

Regarding **claim 5**, Casaccia teaches a method of claim 4, wherein the acknowledgement message is a Session Initiation Protocol (SIP) ACK message (Figs. 5 and 7, Col. 19, lines 18-20).

**Claim 7** is rejected for the same reason as discussed in claim 3 above with reference to discussion of claim 6.

Regarding **claim 8**, Casaccia discloses a proxy server for Internet conference, wireless communication, Intranet, and communication networks that meet virtual protocol wherein a conference call is a Real-time Transport Protocol (Col. 4, lines 51-63, Col. 5, lines 11-21 and 53-65).

Regarding claims 10 and 13, Casaccia teaches a method, as discussion in claim 9 in reference to claim 5.

Regarding claim 11, Casaccia discloses a conference session is a Real-time Transport Protocol (RTP) session as discussed in the claims 8, 9 and 10 above (Col. 4, lines 51-63, Col. 5, lines 11-21, 53-65).

**Claim 14** is rejected for the same reason as discussed in claim 12 above with reference to discussion of claim 8 regarding a Real-time Transport Protocol (RTP) session for conference leg (Col. 4, lines 51-63, Col. 5, lines 11-21, 53-65).

Regarding claim 15, Casaccia further discloses a communication network comprising network interfaces for communicating over a packet-based network (i.e. a **packet-switched network**; Fig. 1, Col. 4, lines 51-63].

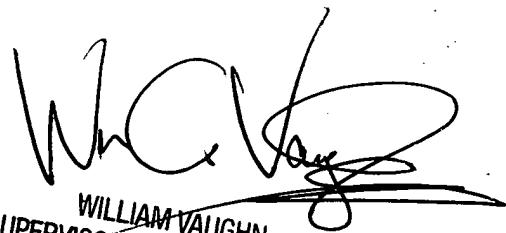
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuanKhanh Phan whose telephone number is 571-270-3047. The examiner can normally be reached on Mon to Fri, 8:00am to 4:30pm EST, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TKP



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